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15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 ADAPTIX, INC.,

20 Plaintiff,

21 v.

22 MOTOROLA MOBILITY LLC and
23 CELLCO PARTNERSHIP d/b/a
24 VERIZON WIRELESS,

25 Defendants.

26 **Case No. 3:13-cv-1774-MEJ**

27 **VERIZON'S STATEMENT IN
28 SUPPORT OF ADMINISTRATIVE
MOTION TO CONSIDER CASES
RELATED**

VERIZON STATEMENT IN SUPPORT
Case No. 3:13-cv-1774-MEJ

WILMER CUTLER PICKERING HALE AND DORR LLP
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1 Pursuant to Civil L.R. 3-12(e), defendant Cellco Partnership d/b/a Verizon Wireless
 2 (“Verizon”) submits this statement in support of Motorola Mobility LLC’s (“Motorola”)
 3 administrative motion to consider the following six cases related (Dkt. No. 28):

- 4 1. *Adaptix v. Motorola Mobility LLC, et al.*, Case No. 3:13-cv-1774 (N.D. Cal.);
- 5 2. *Adaptix v. Apple Inc., et al.*, Case No. 3:13-cv-1776 (N.D. Cal.);
- 6 3. *Adaptix v. Apple Inc., et al.*, Case No. 3:13-cv-1777 (N.D. Cal.);
- 7 4. *Adaptix v. AT&T Mobility LLC, et al.*, Case No. 3:13-cv-1778 (N.D. Cal.);
- 8 5. *Adaptix v. HTC Corp., et al.*, Case No. 5:13-cv-1844 (N.D. Cal.); and
- 9 6. *Adaptix v. Apple Inc., et al.*, Case No. __:13-cv-_____ (N.D. Cal.)¹ (hereafter, the
 10 “Proposed Related Actions”).

11 Verizon agrees that the Court should consider these cases related under Civil L.R. 3-12
 12 because they concern substantially the same parties, patents, and/or events, and it appears likely
 13 that there will be an unduly burdensome duplication of labor and expense and/or conflicting
 14 results if the cases are conducted before different judges. Plaintiff does not oppose Motorola’s
 15 motion. Dkt. No. 29.

16 The Proposed Related Actions are currently assigned to four different magistrate judges,
 17 each of whom has entered separate ADR Scheduling Orders. *See, e.g.*, Dkt. No. 14, *Adaptix, Inc.*
 18 v. *Motorola Mobility LLC, et al.*, Case No. 3:13-cv-01774 (N.D. Cal.). Adaptix asserts the same
 19 two patents in each case and alleges that defendants in each of the actions infringes the patents
 20 by making, using, offering for sale, selling, and/or importing mobile communications devices
 21 advertised as operating on the 4G LTE wireless network. *See, e.g.*, Dkt. No. 2, *Adaptix, Inc. v.*
 22 *Motorola Mobility LLC, et al.*, Case No. 3:13-cv-01774 (N.D. Ca.). Further, one of two network
 23 carriers, AT&T Mobility or Verizon Wireless, is common to each of the Proposed Related
 24 Actions (the carriers’ co-defendant in each case is a device manufacturer such as Motorola).
 25 Discovery, motion practice, and hearings are likely to concern many of the same issues. As a
 26

27 ¹ The E.D. Tex. Court granted transfer in the most recently filed case, *Adaptix, Inc. v. Apple Inc., et al.*, Case No. 6:13-cv-28 (E.D. Tex.), on April 11, 2013. The E.D. Tex. effectuated
 28 interdistrict transfer on April 30, 2013. This Court has not yet docketed the transferred case.

1 result, it appears likely that proceeding with five separate cases before four different judges
2 would cause an unduly burdensome duplication of labor and expenses and risk conflicting results.

3 **CONCLUSION**

4 Because the Proposed Related Cases meet the requirements of Civil Local Rule 3-12,
5 Verizon respectfully submits this statement in support of Motorola's administrative motion to
6 consider the following six cases related (Dkt. No. 28).

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8 Dated: May 7, 2013

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